

DEVELOPMENT SERVICES DEPARTMENT (954) 797-1111

Administration (954) 797-1101
Planning & Zoning (954) 797-1103, FAX (954) 797-1204
Building & Occupational Licensing (954) 797-1111
Code Enforcement (954) 797-1121
Engineering (954) 797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030

MEMORANDUM

PZ 3-24-03

TO: Mayor and Councilmembers
Thomas J. Willi, Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning & Zoning Manager
Marcie Oppenheimer Nolan, AICP, Planning Supervisor

FROM: Bradley Swing, AICP, Planner II

DATE: May 2, 2003

RE: Regency Square Rezoning - Critical Issues - ZB 12-2-02, generally located at the southeast corner of I-75 and Griffin Road

REPORT IN BRIEF:

Background:

Staff has initiated a series of administrative rezonings throughout the Town. The Regency parcel (Tract B) was identified as a vacant parcel with an invalid zoning district (PUD County). In addition, a site plan had been filed and the applicant has agreed to rezone the site to a Town of Davie B-3 zoning district. Upon notification to the property owners within 500 feet (as required by State Statutes for rezonings) the adjacent Home Owners Associations and other affected parties raised questions regarding the proposed use of the parcel. Their concerns focused on traffic, including vehicle test routes, and site design.

Purpose:

This Issue Paper responds to the need to evaluate alternative zoning districts for the Regency Plat. This need was identified at the Public Information Meeting for the Regency Square Rezoning and Warren Henry/Regency Square Site Plan held on March 13, 2003 at the Ivanhoe Community Center. Mayor Truex, Councilmember Paul and members of Town staff were present to hear residents of the Ivanhoe community express concerns regarding the proposed administrative rezoning (ZB 12-2-02) of the subject site from PUD (County) to B-3, Planned Business Center District. The residents envisioned the remaining vacant parcel as meeting the needs of the surrounding residential areas. These needs would be local and neighborhood in scale. Along the I-75 corridor, the existing Regency Square Shopping Center serves the needs of Ivanhoe, western Davie and Southwest Ranches. The larger regional needs are served by developments along the western side of I-75. Recognizing the need to provide shopping to serve the local community, staff has analyzed several other zoning districts for Town Council

review. The purpose of this paper is to provide both a perspective and a framework by which this topic can be discussed.

General Characteristics (Pros/Cons) Of Proposed Zoning Districts:

Upon review of the subject rezoning, staff has determined that there are issues and areas of concern raised at the Public Information Meeting by the residents of the Ivanhoe community that warrant further discussion. In addition to the B-3 District there are two (2) additional zoning districts which may be appropriate for the subject site: B-2, Community Business District and UC, Urban Commercial District.

B-3, Planned Business Center District

Pros	Cons
<ul style="list-style-type: none"> • Community Shopping Center (Consistent with the Ivanhoe PUD Master Plan) • Scale of Development: 100,000-300,000 SF (matches existing center) • 10 – 30 acres (matches existing center) • Population served: 40,000 – 150,000 • Accessible to I-75 and Griffin Road 	<ul style="list-style-type: none"> • Allows Vehicle Sales • No Residential Support • Traffic Impacts • Environmental Impacts • Safety – does not cater directly to pedestrians

B-2, Community Business District

Pros	Cons
<ul style="list-style-type: none"> • Prohibits Vehicle Sales – Resident Supported • Less traffic than B-3 • Less Environmental Impacts 	<ul style="list-style-type: none"> • Scale of Development: 30,000 – 100,000 SF (existing center over 100,000 SF) • Max Building Size: 40,000 SF (existing Publix is over 40,000 SF) • Accessibility to I-75 and Griffin Road more appropriate to B-3 District • B-2 Shopping Centers range in size from 2 to 10 acres is size (site is 50+ acres) • Population served: 2,500 to 40,000 • Zoning Liability

UC, Urban Commercial District

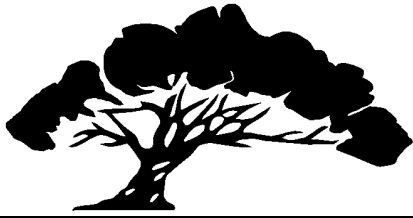
Pros	Cons
<ul style="list-style-type: none"> • Same uses as B-3 except vehicle sales • Provides mix of retail, office, and residential uses (consistent with existing PUD zoning) • 30 acres in size or larger (consistent with the Regency Plat) • Accessible to I-75 and Griffin Road 	<ul style="list-style-type: none"> • Regional Scale of Development (Not consistent with the Ivanhoe PUD Master Plan) • 300,000+ SF total center • Requires market support population over 150,000 people • Traffic Impacts • Environmental Impacts • Safety – does not cater directly to pedestrians • Zoning Liability (prohibiting vehicle sales)

Conclusions:

The existing zoning of the Regency property, PUD (County), is not a valid Town of Davie zoning district and therefore does not allow the Town to ensure that proposed development on the site is regulated in accordance with the Town's Land Development Code. Rezoning the subject site to B-2, B-3, or UC District will provide the site with a valid Town of Davie zoning district.

The residents of the Ivanhoe community expressed concerns at the March 13, 2003 Public Information Meeting regarding the future intensity of development of the site and the safety and congestion related to increased traffic associated with the use of the vacant portion of the site (Tract B) as a Warren Henry dealership.

Staff brings forward this report in order to provide the Town Council with a comparison of the issues associated with each of the potential zoning district which may be appropriate for the Regency property.



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TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030

MEMORANDUM

PZ 5-2-03

TO: Mayor and Councilmembers
Thomas J. Willi, Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning & Zoning Manager
Marcie Oppenheimer Nolan, AICP, Planning Supervisor

FROM: Bradley Swing, AICP, Planner II

DATE: May 2, 2003

RE: Warren Henry/Regency Plat Timeline - generally located at the southeast corner of I-75 and Griffin Road (Control # 03-025)

REPORT IN BRIEF:

A delegation request for a proposed Warren Henry car dealership was approved by Town Council contingent upon a meeting with the adjacent homeowners associations prior to presenting a site plan for Town Council review. This was stated by the representative for the applicant at the December 4, 2003 Town Council meeting. When Councilmember Paul realized that this representation had not followed through by the applicant at the time of site plan, she requested any additional items relating to Warren Henry be tabled until the original promises had been kept. As of April 18, 2003 the delegation request is approved by the County (contrary to what was stated to both Staff and Town Council). Based upon Councilmember Judy Paul's concerns about the proposed use and its impact on the adjacent residents, a letter of objection from the Town of Southwest Ranches, and the misrepresentations by the applicant, staff has prepared the following memo.

Background:

The subject site is located at the southwest corner of Griffin Road and SW 148 Avenue. The overall parcel size is 50.82 acres. The site consists of three (3) Tracts; Tract A at 25.5 acres includes the existing Regency Square Shopping Center and four (4) outparcels along Griffin Road, Tract B is a 14.01 acre vacant parcel adjacent to the I-75 off-ramp to Griffin Road and Tract F is an 11.31 acre lake. Tract B is the site of the proposed automobile dealership.

This site currently has a zoning designation that is not a valid Town of Davie zoning district. In order to provide for Town of Davie zoning regulations to govern any proposed

development, the Town has initiated an administrative rezoning to bring the subject parcel into compliance with the Town of Davie Land Development Code.

The Regency property is part of the Ivanhoe PUD which was approved and developed under Broward County codes in 1980. Broward County Ordinance 80-76, approved by Broward County September 29, 1980, rezoned the 864 acre Ivanhoe Development from A-1 to Planned Unit Development (PUD). The Regency Plat was recorded on January 7, 1985. Town of Davie Ordinance 86-14, approved February 1986, annexed the PUD into the Town of Davie and kept Broward County Ordinance 80-76 in effect.

Surrounding land uses include I-75 to the west and Griffin Road to the north. Existing large lot residential development located in the Town of Southwest Ranches is located to the east and existing residential development is located south of the subject site (Chelsea at Ivanhoe). The subject site is part of the Ivanhoe PUD and the Chelsea development is buffered from the commercial property to the north with an access road and a lake.

History/Timeline:

- On **February 1, 1989**, Town Council approved SP 10-13-88, Regency Square Shopping Center.
- On **October 15, 2002**, the site plan, SP 10-7-02 Warren Henry was submitted by Charles Putman and Associates.
- On **November 19, 2002**, C. William Laystrom, Jr. provided a letter stating: Warren Henry is his client, they intend to develop the site under the Town's B-3 standards regardless of the parcel's zoning designation, will follow the Town's Master Site Plan requirements, and committed to filing a rezoning application within five (5) days of site plan approval.
- On **December 4, 2002**, Town Council approved the delegation request, DG 10-4-02, to change the restrictive note on the Regency Plat to "This plat is restricted to 182 single family homes, 100,000 square feet of automobile dealership, 165,000 square feet of automobile storage, and 235,454 square feet of commercial use". Prior to approval, Councilmember Paul expressed strong concerns regarding approval of the delegation request prior to meeting with the residents of Ivanhoe and Southwest Ranches. Mr. Laystrom agreed to pull the delegation request from the County if he did not meet first with the residents regarding the proposed car dealership. The Town agreed to the delegation request with the condition that Mr. Laystrom meet with the residents of the nearby homeowners associations to discuss the auto dealership. Delegation requests must be approved by the local municipality and Broward County Commission, and then subsequently recorded against the plat. No public notification is required for this procedure.
- On **December 5, 2002**, an agreement was provided to the Town Attorney which states that the delegation request, DG 10-4-02, would be processed at Broward County with the following limitations: 1) upon notification from the Town the applicant will withdraw the request at the County 2) the request will not go before the County Commission until the Town approves the site plan. (see attached letter)

- On December 6, 2002, staff issued Development Review Committee (DRC) comments.
- On December 10, 2002, the DRC meeting was held.
- On December 23, 2002, the response to DRC comments was received.
- On January 6, 2003, the Town of Southwest Ranches sent a letter to Broward County requesting that the delegation request to amend the plat note for the Regency Plat be denied.
- On January 21, 2003, the Site Plan Committee heard the request, and tabled the item to February 11, 2003, at the request of the applicant. The committee felt that the elevations were not treated equally on all four (4) sides, and that the lighting in the parking garage must be shielded to protect adjacent residents.
- On February 4, 2003, the delegation request (033-UP-82) to amend the note on the Regency Plat was approved by Broward County prior to site plan approval and prior to the applicant meeting with the adjacent homeowners associations.
- At the February 11, 2003, Site Plan Committee meeting, Vice-Chair Aucamp made a motion, seconded by Ms. Aitken, to approve with the conditions that the applicant send a letter to the president of the homeowner's association (Chelsea Homeowners' Association) stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m. (Motion carried 3-0; Mr. Crowley and Mr. Engel were absent).
- On February 12, 2003, the administrative rezoning of Regency Square, ZB 12-2-02 Town of Davie, from PUD (County) to B-3, Planned Business Center District was considered by the Planning and Zoning Board. The Board recommended approval of the request (Motion carried 5-0). Staff initiated the request so that the site can be reviewed under the current Town of Davie Land Development Code.
- On February 24, 2003, Charles Putnam & Associates, Inc. submitted a letter to Broward County Development Management Division to formerly withdraw the plat note amendment for the Regency Plat. (see attached letter)
- On February 26, 2003, C. William Laystrom, Jr., Esq. submitted a letter to the Broward County Attorneys Office requesting to withdraw the County Application for plat note amendment to the Regency Plat. (see attached letter)
- On February 27, 2003, Elliot Auerhahn from Broward County's Development Management Division advised the applicant that they were not allowed to withdraw the application to amend the plat after it was approved and advised that the application would expire if agreement is not recorded prior to August 4, 2003. (see attached letter)

- On April 22, 2003, C. William Laystrom, Jr., Esq. submitted a letter to the Town Administrator's regarding his opposition to the County's position that the application could not be withdrawn. Mr. Laystrom also indicated that he would not file the plat note amendment until the Town takes action on the site plan application. (see attached letter)

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PERLOFF, VOIGT, WACHS, MAC IVER & ADAIR, LLP

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RAYMOND A. DOUMAR, P.A.

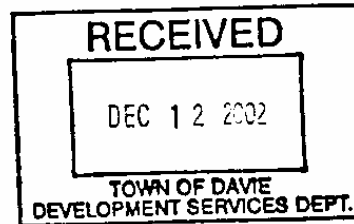
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C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
JOHN W. PERLOFF, P.A.
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.

December 5, 2002

Monroe Kiar, Esq.
TOWN OF DAVIE
6191 S.W. 45th St. - Suite 6151-A
Davie, Florida 33314



Re: Resolution DG 10-4-02 Regency Plat Note Amendment

Dear Monroe:

In accordance with my commitment at the December 4, 2002 Town Council meeting on item 8.14, please treat this letter as my agreement on behalf of my clients, McCann Investment Properties, Ltd. and Warren Henry, to process the plat note amendment at the County with the following limitations:

1. The applicants agree that upon notification from the Town of Davie, the applicant will withdraw its application for plat note amendment at the County; and
2. The applicants agree that the plat note amendment will not be heard by the County Commission until such time as the Town of Davie Town Council has approved the site plan for the subject property.

Should you need any further confirmation of our agreement, please do not hesitate to contact me.

Yours truly,

C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:lv

cc: Mayor Harry Venis
Mark Kutney, Town Planner
Warren Henry
McCann Investment Properties, Ltd.

CHARLES PUTMAN & ASSOCIATES, INC.

LAND DEVELOPMENT CONSULTANTS
PLANNING | ZONING | PERMITTING

Boca Raton | (561) 994-6411
Fax | (561) 994-0447

February 24, 2003

Elliott Auerhahn, Director
Development Management Division
BROWARD COUNTY
115 South Andrews Avenue - Room A-240
Fort Lauderdale, Florida 33301

**Re: REGENCY PLAT
033-UP-82**

Dear Elliott:

Please let this letter serve as a formal withdrawal of the Plat Note amendment for the Regency Plat. I have agreed with the Town of Davie to withdraw the amendment at the County subject to re-filing the application at a later date. This will allow us to meet with the residents and the Town Council.

Should you need any additional authorization from the applicant, please let me know.

Yours truly,

CHARLES PUTMAN & ASSOCIATES, INC.



Charles Putman

PlatNoteAmendWithdrawalLtr 2-24-03 wpd

4722 N.W. Boca Raton Boulevard | Suite C106 | Boca Raton, Florida 33431

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2003 FEB 27 AM 9:07
 DEVELOPMENT MGMT.

February 26, 2003

Sharon Cruz, Esq.
 Broward County Attorneys Office
 Broward County Governmental Center
 115 S. Andrews Avenue
 Room 423
 Fort Lauderdale, Florida 33301

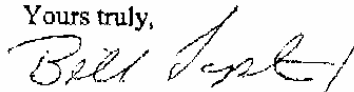
Re: Regency Plat - Withdrawal of Plat Note Amendment Request

Dear Sharon:

Attached please find Mr. Putman's letter notifying the County of our intent on behalf of the applicant (McCann Investment Properties Ltd) to withdraw our County Application for plat note amendment. Since our application is still defined as a "pending application" under the County's land development code, it is our position that the applicant has the discretion to unilaterally withdraw the application up until the formal agreement amending the plat note is executed by the Mayor of Broward County and recorded in the public records.

We understand that we could simply not file the formal plat note agreement and the amendment would expire, but prefer the withdrawal as a gesture of compromise to our neighbors while we meet to address their concerns.

Yours truly,



C. WILLIAM LAYSTROM, JR.
 For the Firm

CWL:ks

cc: Charles Putnam
 McCann Investment Properties LTD



DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION - Development Management Division
Governmental Center Annex • 115 S. Andrews Avenue, Room A240 • Fort Lauderdale, Florida 33301 • 954-357-6666 • FAX 954-357-8521

February 27, 2003

Charles Putman
Charles Putman & Associates, Inc.
4722 N.W. Boca Raton Boulevard
Suite C106
Boca Raton, Florida 33431

RE: Regency Plat
033-UP-82

Dear Mr. Putman:

I have received your letter, dated February 24, 2003, requesting to withdraw the application for a plat note amendment on the Regency Plat. After discussing this matter with the County Attorney's Office, I regret to inform you that the Land Development Code does not allow a withdrawal after the approval of this type of application. The application will expire if the required agreement to amend the plat note is not recorded prior to August 4, 2003..

If you have further questions, please call me at 954/357-6669.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elliot S. Auerhahn".

Elliot S. Auerhahn, Director
Development Management Division

cc: C. William Laystrom, Jr.
Sharon Cruz



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§ BOARD CERTIFIED REAL ESTATE LAWYER
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April 22, 2003

Thomas J. Willi, Town Administrator
TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314

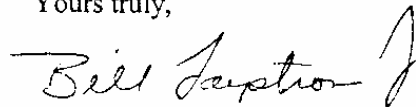
Re: Regency Plat

Dear Tom:

As a follow-up to our conversation yesterday, please be advised that I have not filed the Regency plat note amendment agreement with the County. Without the agreement being filed at the County, the application will expire on August 4th. I have already filed a letter with the County actually withdrawing the County application. The County Planning staff has taken the position that we cannot withdraw the application, but we can let it expire. I do not agree with their interpretation and believe that my letter of withdrawal is effective. However, while continuing my efforts to convince the County staff, I will not file the plat note amendment agreement pending action by the Town Council on our site plan application.

Please understand that we feel we have an excellent site plan and look forward to making our presentation to the Town Council on May 7th.

Yours truly,



C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:lv